

CITY OF MUSKEGON  
**PLANNING COMMISSION**  
REGULAR MEETING  
MINUTES

**January 13, 2022**

T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Mazade, T. Michalski, K. Johnson, J. Montgomery-Keast, J. Doyle, D. Keener, F. Peterson.

MEMBERS ABSENT: L. Spataro, excused; E. Hood, excused.

STAFF PRESENT: M. Franzak, H. Griffith

OTHERS PRESENT: S. Orey, 3060 Sherwood Ct; N. Douglas, 601 Ruddiman.

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the Regular Planning Commission meeting on December 16, 2021, was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

**ELECTIONS:**

A motion to retain T. Michalski as Chairperson and J. Doyle as Vice-Chairperson was made by B. Mazade, supported by J. Montgomery-Keast and unanimously approved.

**PUBLIC HEARINGS**

**Hearing, Case 2022-01:**

Request to amend Section 2331 of the zoning ordinance to include 1314 E Apple Ave into the Marihuana Facilities Overlay District with retail, provision centers and class B recreational grows as approved license types, by Lake Michigan Labs.

**SUMMARY**

1. The property is zoned B-2, Convenience & Comparison Business District.
2. This zoning designation allows the following marihuana license types with the issuance of a special use permit: microbusinesses, designated consumption establishments and class B recreational grows. Caregiver facilities are an allowed use by right.
3. The applicant is currently operating a caregiver facility at this address.
4. The applicant has requested to amend Section 2331 (marihuana facilities overlay district) of the zoning ordinance to designate 1314 E Apple Ave as an approved location that allows retail, provisioning centers and class B recreational grow license types.
5. Retail licenses allow the sale of recreational marihuana. Provisioning centers allow for the sale of marihuana to medical marihuana patients. Class B recreational grows allow the production of up to 500 plants
6. Please see the enclosed zoning ordinance excerpt of Section 2331 (marihuana facilities overlay district).
7. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public.

Staff did not recommend amending the ordinance to allow for additional marihuana license types at this time.

S. Orey provided a layout sketch of the structure to the commission members. He gave an overview of what he proposed to do. The Planning Commission had a short discussion about the case.

A motion to close the public hearing was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request to amend Section 2331 of the zoning ordinance to include 1314 E Apple Ave into the Marihuana Facilities Overlay District with retail, provision centers and class B recreational grows as approved license types be recommended to the City Commission for (approval/denial), was made by D. Keener, supported by J. Montgomery-Keast and approved with K. Johnson, F. Peterson, D. Keener, J. Doyle, J. Montgomery-Keast and T. Michalski voting aye and B. Mazade voting nay.

### **Hearing, Case 2022-02:**

Request for a special use permit to allow a class B recreational marihuana grow facility at 552 W Southern Ave, by Port City Farms.

### **SUMMARY**

1. The property is zoned I-1, Light Industrial. The building measures 30,675 sf and the parcel measures just over 39,000 sf.
2. This zoning designation allows the following marihuana license types with the issuance of a special use permit: microbusinesses, designated consumption establishments and class B recreational grows. Caregiver facilities are an allowed use by right.
3. The applicant is seeking a special use permit for a Class B recreational marihuana grow license, which allows for the production of up to 500 plants.
4. Please see the zoning ordinance excerpt on the requirements for the issuance of a special use permit on the following pages.
5. The property is adjacent to Clara Shepard Park. However, there are no provisions in the ordinance requiring a certain distance from parks or schools. The State of Michigan does require that marihuana facilities be located at least 1,000 feet from schools. This property is located within 1,000 feet of the former Nelson School, however, it is currently vacant.
6. Notices we sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.
7. A Zoning Ordinance excerpt of Section 2332: Standards for Approval of Discretionary Uses was provided to the commission members.

Staff recommends approval of the special use permit because it appears to meet all of the standards for approval of discretionary uses as outlined in Section 2332. However, given the potential for odor nuisances sometimes associated with this industry, staff recommends a condition that the special use permit be revoked if there are repeated issues with odor.

N. Douglas went over the history of the building. He will check with the State to make sure everything is allowed. The Planning Commissioners discussed the case.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by F. Peterson and unanimously approved.

K. Johnson would like to have Muskegon Public Schools weigh in on the case because there was question regarding whether the notification had been received. F. Peterson stated that he had spoken with someone that is part of the School

Board and they were aware of this request when it was noticed. He added that a lot of dilapidated buildings have investors investing in them now. There was discussion on the number of these types of facilities going in and their locations.

A motion that the request for a special use permit to allow a class B recreational marihuana grow facility at 552 W Southern Ave be (approved/denied) with the following condition: That the special use permit will be revoked if there are repeated odor nuisance violations; was made by D. Keener, supported by F. Peterson and approved with K. Johnson, F. Peterson, D. Keener, J. Doyle, and T. Michalski voting aye and B. Mazade and J. Montgomery-Keast voting nay.

#### **NEW BUSINESS**

None.

#### **OLD BUSINESS**

None

#### **UPDATES ON PREVIOUS CASES**

None

#### **OTHER**

None

#### **ADJOURN**

There being no further business, the meeting was adjourned at 4:50 p.m.